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CASCHERA, ANTONIO A				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/733,860

Applicant(s)

BERGER, TORSTEN

Examiner

Antonio A. Caschera

Art Unit

2628

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 and 45-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 and 45-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

.DETAILED ACTION

Claim Objections

1. Claims 45 and 47 are objected to because of the following informalities:
 - a. In reference to claims 45 and 47, these claims recite, “The method of claim 1...” (see line of their preambles) however claim 1 is not recited as a method. A correction to either the claim number of a total rewrite of the preamble to support claim 1, is required for claims 45 and 47. As per rejection purposes, the Office will interpret the claims as depending upon the method of claim 23.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-29, 34-41, 45 and 47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In reference to claims 1 and 10, the language of the claims (claims 1 and 10 and their dependent upon claims respectively) raise questions as to whether the claims fall within any of the statutory categories of invention. Specifically, the claim language of “A three-dimensional graphical user interface element...” (see line 1 of claim 1) and “A three-dimensional haptic graphical user interface element...” (see line 1 of claim 10) are not directed to a process within the meaning of 35 U.S.C. 101, since they are not a series of steps or acts being performed, are

not directed to a machine within the meaning of 101, since they are not a part of a device or a combination of devices, are not directed to a manufacture within the meaning of 101, since they are not an article produced from raw or prepared materials nor are they a composition of matter within the meaning of 101, since they are not a combination of two or more substances or do they have any mass to be matter. Further, the specification provides evidence enabling one of ordinary skill in the art to reasonably interpret the “user interface element” recited in the claims as software (see page 67, lines 7-10 of Applicant’s specification). Therefore, the claims recite software per se, which fails to fall within a statutory category of invention and necessitates the rejection of claims 1-22 and 34-40 since they alone are only an abstract idea. (see *Response to Arguments* below)

Claim(s) 23-29, 41, 45 and 47 is/are rejected under 35 U.S.C. 101 as not falling within one of the four statutory categories of invention. While the claims recite a series of steps or acts to be performed, a statutory “process” under 35 U.S.C. 101 must (1) be tied to another statutory category (such as a particular apparatus), or (2) transform underlying subject matter (such as an article or material) to a different state or thing (Reference the May 15, 2008 memorandum issued by Deputy Commissioner for Patent Examining Policy, John J. Love, titled “Clarification of ‘Processes’ under 35 U.S.C. 101”). The instant claims neither transform underlying subject matter nor positively tie to another statutory category that accomplishes the claimed method steps, and therefore do not qualify as a statutory process.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11, 30-40, 42, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staiger, Phillip. ("Tutorial – Amapi 4.1.5 Material Editor" Revised January 1, 2001. © 2000-2001 TGS, Inc. <http://www.tgs.com>. Accessed on 09/08/2006 via <http://www.thebest3d.com/amapi/tutorials/materialeditor/>) in view of Staiger et al. ("Tutorial – Getting started with Amapi 4.1" Revised July 9, 2003. © 2000 TGS, Inc. <http://www.tgs.com>. Accessed on 04/17/2007 via <http://www.thebest3d.com/amapi/tutorials/bottlesmile/index.html>).

In reference to claims 1 and 10, Staiger discloses a tutorial for editing a soda can's geometry including applying various materials as 2D and 3D textures using the GUI of a program entitled Amapi (see page 1, before "Getting Started" and GUI of Figure on page 2). Staiger explicitly discloses applying a "label" to the soda can, the "label" made of from a 2D image (see page 11). Staiger discloses adjusting the 2D image, seen as equivalent to the texture of Applicant's claims, utilizing a 3D GUI element (see "*" marked Figures of page 12, specifically the adjusting element comprising black squares or "hotspots"). Note, the Office interprets this element to be 3D since it is shown as being drawn in a 3D space (referring to the 3D soda can) and also because the element itself is displayed in the user interface as comprising three dimensions (see for example, the sphere and cylindrical shaped elements of the "*" marked Figures of page 12 and how they are drawn to with a x, y and depth attributes). Staiger specifically states the "black squares" of the element to be "hotspots" allowing the user to select

and modify these “hotspots” to re-orient (rotate), scale and translate (move) the mapped image or texture, therefore allowing the user to select the desired region of the soda can where the texture is mapped (see underlined portion of page 12 and “*” marked Figures of page 12). Further, in reference to claim 10, the Office interprets the GUI element of Staiger equivalent to the “three-dimensional haptic graphical user interface element” of Applicant’s claim since a user utilizing a mouse as input control for performing the material editing methods as described by Staiger inherently provides feedback via a display monitor of a computer system. Further, the “hotspots” of the element of Staiger provide a “haptic feedback” to the user since they allow the texture to be manipulated on the screen, notifying the user when the desired manipulation is accomplished. Staiger also discloses selecting the bottom of the can by simply clicking on the object and the ability of applying different materials to just that selected object/part (see pages 4-9). The Office interprets that this user-defined part is contiguous to the rest of the can since Applicant’s remarks define the term, “contiguous” as “sharing an edge or boundary; touching” and “neighboring; adjacent” (see page 12 of Applicant’s Remarks of 12/04/07). It can be seen from the Figures on pages 5, 9 and 10 that the bottom part of the soda can is “neighboring or adjacent” to the can and may also be considered less than the entire surface of the whole soda can. Although Staiger discloses the texture mapped onto a cylinder type of shape, Staiger does not explicitly disclose texture mapped onto an arbitrarily-shaped, user-defined region of a 3D virtual object. Staiger et al. discloses a tutorial for drawing a bottle using Amapi 4.1 (see pgs 10-24 and bottle in Figure of pg. 24). Staiger et al. explicitly discloses applying 2D or 3D texture to the bottle and an extracted piece, from the bottle object (pgs. 49-52 and especially pg. 51, paragraphs 3-5 and Figure on pg. 52). Note, the Office interprets the extracted piece of the bottle

(see Figure of pg. 52) equivalent to Applicant's arbitrarily-shaped user-defined region of a surface of the claims since the above mentioned shape of Staiger et al. is arbitrarily-shaped, as described in Applicant's arguments of 12/06/06, and since a user can draw/design a multitude of different shapes in Amapi 4.1 as disclosed by Staiger et al. with the extracted object of the bottle in the Figure on pg. 52. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the arbitrarily-shaped texture mapping techniques of Staiger et al. with the material editing techniques of Staiger in order to supply a user with the capabilities to create customized drawing and modeling objects utilizing texture maps to add realistic effects to the objects. Note, the Office further believes the above combination of Staiger and Staiger et al. to be valid since both references are tutorials on utilizing the same design tool software, Amapi 4.1. Lastly, Staiger et al. explicitly discloses the extracted piece object of the bottle, which is inherently "less than the entire surface of the 3D object," i.e. the bottle, texture mapped (see Figures on pgs. 46 and 52 and paragraphs 3-5 of pg. 51).

In reference to claims 2-4, 11 and 34-38, Staiger and Staiger et al. disclose all of the claim limitations as applied to claims 1 and 10 above. Staiger specifically states the "black squares" of the elements to be "hotspots" allowing the user to select and modify these "hotspots" to re-orient (rotate), scale and translate (move) the mapped image or texture, therefore allowing the user to select the desired region of the soda can where the texture is mapped (see underlined portion of page 12 and "*" marked Figures of page 12).

In reference to claim 5, Staiger and Staiger et al. disclose all of the claim limitations as applied to claim 1 above. Staiger explicitly discloses applying a "label" to the soda can, the "label" made from a 2D image (see page 11).

In reference to claim 6, Staiger and Staiger et al. disclose all of the claim limitations as applied to claim 1 above. Staiger explicitly discloses applying a “label” to the soda can, the “label” made from a 2D image (see page 11). Further, Staiger allows the user to set a tiling count for the mapped texture (see page 13).

In reference to claim 7, Staiger and Staiger et al. disclose all of the claim limitations as applied to claim 1 above. Staiger explicitly discloses applying a “label” to the soda can, the “label” made from a 2D image (see page 11). Further, Staiger allows the fine tune adjustment of the texture to create a bump or raised affect (see page 13).

In reference to claims 8 and 9, Staiger and Staiger et al. disclose all of the claim limitations as applied to claim 7 above. Staiger explicitly discloses applying a “label” to the soda can, the “label” made from a 2D image (see page 11). Further, Staiger allows the fine tune adjustment of the texture to create a bump or raised affect (see page 13). Note, the Office interprets the GUI element of Staiger to perform equivalent to adjusting height/depth of label since Staiger discloses adding another layer, utilizing the “hotspot” mapping element for a bump affect (see page 13).

In reference to claim 30, claim 30 is equivalent in scope to the limitations of claims 1 and 10 and is therefore rejected using equivalent rationale. In addition however, neither Staiger nor Staiger et al. explicitly disclose an apparatus comprising a memory storing code and a processor for executing the code which performs the texture adjusting techniques as discussed above with reference to claims 1 and 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the arbitrarily-shaped texture mapping techniques of Staiger et al. and the material editing techniques of Staiger, which both utilize the graphical

editing program Amapi, using some sort of computer system that inherently comprises some sort of memory comprising some sort of software/code/instructions/program which when executed by a processor performs the techniques described in Staiger and Staiger et al. since such software or graphical editing applications are well-known in the art to be executed using computer systems (Official Notice).

In reference to claims 31 and 32, Staiger and Staiger et al. disclose all of the claim limitations as applied to claim 30 above. Staiger specifically states the “black squares” of the element to be “hotspots” allowing the user to select and modify these “hotspots” to re-orient (rotate), scale and translate (move) the mapped image or texture, therefore allowing the user to select the desired region of the soda can where the texture is mapped (see underlined portion of page 12 and “*” marked Figures of page 12). Note, the Office interprets the GUI software/program Amapi, as disclosed by Staiger, to inherently provide some sort of selection and positioning component, notifying the program of a selection of a “hotspot,” based upon the use of a mouse (and cursor) by the user, and moving the cursor to the “hotspot” in accordance with the user’s movement of the mouse (see underlined portion of page 12).

In reference to claim 33, Staiger and Staiger et al. disclose all of the claim limitations as applied to claim 30 above. Further, the Office interprets the GUI element of Staiger equivalent to the “three-dimensional haptic graphical user interface element” of Applicant’s claim since a user utilizing a mouse as input control for performing the material editing methods as described by Staiger inherently provides feedback via a display monitor of a computer system. Further, the “hotspots” of the element of Staiger provide a “haptic feedback” to the user since they allow the

texture to be manipulated on the screen, notifying the user when the desired manipulation is accomplished.

In reference to claims 39, 40 and 42, Staiger and Staiger et al. disclose all of the claim limitations as applied to claims 1, 10 and 30 respectively above. As seen in the Figures of page 12 of Staiger, it is interpreted by the Office that the GUI element used to rotate, scale and translate mapped texture inherently comprises of an x, y and z axis since the element is drawn in a 3D space. Further the Office notes, that claims 39, 40 and 42 do not explicitly disclose the graphical element as displaying an x, y and z axis and solely recite, "...wherein the graphical user interface element comprises an X-axis, a Y-axis and a Z-axis," (see claims 39, 40 and 42).

In reference to claims 45 and 46, Staiger and Staiger et al. disclose all of the claim limitations as applied to claims 1 and 30 respectively above. Staiger et al. explicitly discloses applying 2D or 3D texture to the bottle and an extracted piece, from the bottle object (pgs. 49-52 and especially pg. 51, paragraphs 3-5 and Figure on pg. 52). Note, the Office interprets such an extracted piece from the bottle to be equivalent to an object which is non-planar, non-spherical and non-cylindrical.

In reference to claims 47 and 48, Staiger and Staiger et al. disclose all of the claim limitations as applied to claims 1 and 30 respectively above. Staiger et al. also explicitly discloses setting perturbation amount to the texture mapped area (see pg. 51, 3rd paragraph) which the Office interprets as inherently equaling the texture not having to constrain to the boundary of the arbitrarily-shaped object of Applicant's claims.

4. Claims 12-16, 18 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staiger, Phillip. ("Tutorial – Amap! 4.1.5 Material Editor" Revised January 1, 2001. ©

2000-2001 TGS, Inc. <http://www.tgs.com>. Accessed on 09/08/2006 via <http://www.thebest3d.com/amapi/tutorials/materialeditor/>), Staiger et al. ("Tutorial – Getting started with Amapi 4.1" Revised July 9, 2003. © 2000 TGS, Inc. <http://www.tgs.com>. Accessed on 04/17/2007 via <http://www.thebest3d.com/amapi/tutorials/bottlesmile/index.html>) and further in view of Brown (U.S. Patent 5,461,709).

In reference to claim 12, Staiger and Staiger et al. disclose all of the claim limitations as applied to claim 10 above. Neither Staiger nor Staiger et al. explicitly disclose the haptic feedback comprising a gravity well associated with an active location however Brown does. Brown discloses a system for supplying input data establishing the location of data points in a model space for a 3D CAD design application (see column 1, lines 5-7 and column 2, lines 5-8). Brown discloses the ability to move the cursor close to an indexed point whereby a "sweet spot" of a few pixels wide is established near this indexed point and if the cursor is moved within this, "sweet spot" the cursor is locked into precisely a horizontal or vertical position with the indexed point (see column 9, lines 40-46). Note, the Office interprets the "sweet spot" of Brown equivalent to the "gravity well" of Applicant's claim. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the data point location techniques of Brown with the arbitrarily-shaped texture mapping techniques of Staiger et al. and material editing techniques of Staiger in order to provide an easier and more user-friendly interface, employing a sophisticated drawing aid based on the interpretation of the user controlled cursor, supplying extensive feedback control to the user (see column 3, lines 22-34 of Brown).

In reference to claim 13, Staiger and Staiger et al. disclose all of the claim limitations as applied to claim 10 above. Neither Staiger nor Staiger et al. explicitly disclose the haptic feedback comprising a haptic constraint however Brown does. Brown discloses a system for supplying input data establishing the location of data points in a model space for a 3D CAD design application (see column 1, lines 5-7 and column 2, lines 5-8). Brown discloses the ability to move the cursor close to an indexed point whereby a “sweet spot” of a few pixels wide is established near this indexed point and if the cursor is moved within this, “sweet spot” the cursor is locked into precisely a horizontal or vertical position with the indexed point (see column 9, lines 40-46). Note, the Office interprets the “sweet spot” of Brown equivalent to the “gravity well” of Applicant’s claim. Brown further discloses the user to place a data point at the current position within the “sweet spot” and lock the point thereby allowing the user to snap to another item while allowing the above constraint, keeping the locked point aligned, to apply (see column 9, lines 59-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the data point location techniques of Brown with the arbitrarily-shaped texture mapping techniques of Staiger et al. and material editing techniques of Staiger in order to provide an easier and more user-friendly interface, employing a sophisticated drawing aid based on the interpretation of the user controlled cursor supplying extensive feedback control to the user (see column 3, lines 22-34 of Brown).

In reference to claim 14, Staiger, Staiger et al. and Brown disclose all of the claim limitations as applied to claim 13 above in addition, Brown discloses constraining a “snap to” cursor movement to a current plane (see column 15, lines 40-46) which the Office interprets as

inherently disclosing constraining cursor movement to the surface of an object as a specific plane makes up the surface of an object (see column 15, lines 26-34 of Brown).

In reference to claim 15, Staiger, Staiger et al. and Brown disclose all of the claim limitations as applied to claim 13 above in addition, Brown discloses constraining a “snap to” cursor movement to a current plane (see column 15, lines 40-46) which the Office interprets as inherently disclosing constraining cursor movement to a user defined region (see column 15, lines 26-34 of Brown).

In reference to claim 16, Staiger, Staiger et al. and Brown disclose all of the claim limitations as applied to claim 13 above in addition, Brown discloses the ability to move the cursor close to an indexed point whereby a “sweet spot” of a few pixels wide is established near this indexed point and if the cursor is moved within this, “sweet spot” the cursor is locked into precisely a horizontal or vertical position with the indexed point (see column 9, lines 40-46). Note, this locked to a horizontal or vertical position of Brown is interpreted as equivalent to being constraint to an axis of Applicant’s claim (see Figure 7 of Brown).

In reference to claim 18, Staiger, Staiger et al. and Brown disclose all of the claim limitations as applied to claim 13 above. Although Brown discloses constraining the cursor to an axis via a “sweet spot” and locking technique (see claim 16 above), Staiger, Staiger et al. nor Brown explicitly disclose constraining the cursor to a loop. At the time the invention was made, it would have been obvious to one of ordinary skill in the art to constrain the cursor to any geometric figure including a circular shape or loop. Applicant has not disclosed that constraining the cursor to a loop provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected

Applicant's invention to perform equally well with the axis constraint of Brown because the exact restraints put on the movement of the cursor solely magnifies the amount of feedback to the user provided by the system and hence the level of necessary feedback would be chosen as preferred and best suited to the application at hand. Therefore, it would have been obvious to one of ordinary skill in this art to modify the combination of Staiger, Staiger et al. and Brown to obtain the invention as specified in claim 18.

In reference to claims 20-22, Staiger, Staiger et al. and Brown disclose all of the claim limitations as applied to claim 13 above. Staiger discloses adjusting the 2D image, seen as equivalent to the texture of Applicant's claims, utilizing a 3D GUI element (see "*" marked Figures of page 12 and underlined portion of page 12, specifically the adjusting element comprising black squares or "hotspots" being activated by the user moving a cursor over certain areas of the 3D soda can). Brown further discloses the user to place a data point at the current position within the "sweet spot" and lock the point thereby allowing the user to snap to another item while allowing the above constraint, keeping the locked point aligned, to apply (see column 9, lines 59-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the data point location techniques of Brown with the arbitrarily-shaped texture mapping techniques of Staiger et al. and material editing techniques of Staiger in order to provide an easier and more user-friendly interface, employing a sophisticated drawing aid based on the interpretation of the user controlled cursor supplying extensive feedback control to the user (see column 3, lines 22-34 of Brown). Further note, it would have been obvious to one of ordinary skill in the art to modify the combination of Staiger, Staiger et al. and Brown in order to enable a haptic constraint ("locking" and "sweet spot" functions of

Brown) when a certain texture adjustment method is selected (translation, rotation, scaling techniques of Staiger) in order to automatically provide the haptic constraint without making the user manually turn on/off the constraint.

5. Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staiger, Phillip. ("Tutorial – Amapi 4.1.5 Material Editor" Revised January 1, 2001. © 2000-2001 TGS, Inc. <http://www.tgs.com>. Accessed on 09/08/2006 via <http://www.thebest3d.com/amapi/tutorials/materialeditor/>), Staiger et al. ("Tutorial – Getting started with Amapi 4.1" Revised July 9, 2003. © 2000 TGS, Inc. <http://www.tgs.com>. Accessed on 04/17/2007 via <http://www.thebest3d.com/amapi/tutorials/bottlesmile/index.html>), Brown (U.S. Patent 5,461,709) and further in view of Shahoian et al. (U.S. Patent 6,822,635 B2).

In reference to claims 17 and 19, Staiger, Staiger et al. and Brown disclose all of the claim limitations as applied to claims 16 and 18. Neither Staiger, Staiger et al. nor Brown explicitly disclose at least haptic detent active on an axis or loop of a cursor however Shahoian et al. does. Shahoian et al. discloses a haptic feedback touch control used to provide input to a computer system whereby a haptic effect, or detent is felt by the user when he/she uses the touch control with fingers (see columns 1-2, lines 66-1 and column 23, lines 51-58). Shahoian et al. further discloses the touch control to provide such detents in X and Y directions or axes (see column 23, lines 23-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the haptic detent techniques of Shahoian et al. with the data point location techniques of Brown, the arbitrarily-shaped texture mapping techniques of Staiger et al. and material editing techniques of Staiger in order to provide the user with a better sense of reality while controlling the computer system by translating the moving surface to a

transition point between buttons and icons of the computer and user control device (see column 23, lines 56-58 of Shahoian et al.).

6. Claims 23-28, 41, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Staiger, Phillip. ("Tutorial – Amapi 4.1.5 Material Editor" Revised January 1, 2001. © 2000-2001 TGS, Inc. <http://www.tgs.com>. Accessed on 09/08/2006 via <http://www.thebest3d.com/amapi/tutorials/materialeditor/>), Staiger et al. ("Tutorial – Getting started with Amapi 4.1" Revised July 9, 2003. © 2000 TGS, Inc. <http://www.tgs.com>. Accessed on 04/17/2007 via <http://www.thebest3d.com/amapi/tutorials/bottlesmile/index.html>) and further in view of Yanof et al. (U.S. Patent 5,371,778).

In reference to claim 23, Staiger discloses a tutorial for editing a soda can's geometry including applying various materials as 2D and 3D textures using the GUI of a program entitled Amapi (see page 1, before "Getting Started" and GUI of Figure on page 2). Staiger explicitly discloses applying a "label" to the soda can, the "label" made of from a 2D image (see page 11). Staiger discloses adjusting the 2D image, seen as equivalent to the texture of Applicant's claim, utilizing a 3D GUI element (see "*" marked Figures of page 12, specifically the adjusting element comprising black squares or "hotspots"). Note, the Office interprets this element to be 3D since it is shown as being drawn in a 3D space (referring to the 3D soda can) and also because the element itself is displayed in the user interface as comprising three dimensions (see for example, the sphere and cylindrical shaped elements of the "*" marked Figures of page 12 and how they are drawn to with a x, y and depth attributes). Staiger specifically states the "black squares" of the element to be "hotspots" allowing the user to select and modify these "hotspots" to re-orient (rotate), scale and translate (move) the mapped image or texture, therefore allowing

the user to select the desired region of the soda can where the texture is mapped (see underlined portion of page 12 and "*" marked Figures of page 12). Staiger also discloses selecting the bottom of the can by simply clicking on the object and the ability of applying different materials to just that selected object/part (see pages 4-9). The Office interprets that this user-defined part is contiguous to the rest of the can since Applicant's remarks define the term, "contiguous" as "sharing an edge or boundary; touching" and "neighboring; adjacent" (see page 12 of Applicant's Remarks of 12/04/07). It can be seen from the Figures on pages 5, 9 and 10 that the bottom part of the soda can is "neighboring or adjacent" to the can and may also be considered less than the entire surface of the whole soda can. Although Staiger discloses the texture mapped onto a cylinder type of shape, Staiger does not explicitly disclose texture mapped onto an arbitrarily-shaped, user-defined region of a 3D virtual object. Staiger et al. discloses a tutorial for drawing a bottle using Amapl 4.1 (see pgs 10-24 and bottle in Figure of pg. 24). Staiger et al. explicitly discloses applying 2D or 3D texture to the bottle and an extracted piece, from the bottle object (pgs. 49-52 and especially pg. 51, paragraphs 3-5 and Figure on pg. 52). Note, the Office interprets the extracted piece of the bottle (see Figure of pg. 52) equivalent to Applicant's arbitrarily-shaped user-defined region of a surface of the claims since the above mentioned shape of Staiger et al. is arbitrarily-shaped, as described in Applicant's arguments of 12/06/06, and since a user can draw/design a multitude of different shapes in Amapl 4.1 as disclosed by Staiger et al. with the extracted object of the bottle in the Figure on pg. 52. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the arbitrarily-shaped texture mapping techniques of Staiger et al. with the material editing techniques of Staiger in order to supply a user with the capabilities to create customized drawing and modeling

objects utilizing texture maps to add realistic effects to the objects. Note, the Office further believes the above combination of Staiger and Staiger et al. to be valid since both references are tutorials on utilizing the same design tool software, Amapi 4.1. Also, Staiger et al. explicitly discloses the extracted piece object of the bottle, which is inherently “less than the entire surface of the 3D object,” i.e. the bottle, texture mapped (see Figures on pgs. 46 and 52 and paragraphs 3-5 of pg. 51). Neither Staiger nor Staiger et al. explicitly disclose modifying a transformation matrix used in mapping points on the surface of the object to texture however Yanof et al. does. Yanof et al. discloses a display and adjustment of 3D projections using a transformation matrix whereby if a change of viewing angle of the projection is made, the transformation matrix is modified (see column 2, lines 39-55 and column 7, lines 1-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the transformation techniques of Yanof et al. with the arbitrarily-shaped texture mapping techniques of Staiger et al. and material editing techniques of Staiger in order to provide a display system wherein a real-time adjustment of different views of a 3D object is performed (see column 2, lines 29-36 of Yanof et al.).

In reference to claim 24, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 23 above. Staiger discloses the soda can rendered after having mapped the “label” texture thereto (see page 14).

In reference to claim 25, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 24 above. Staiger discloses the soda can rendered after having mapped the “label” texture thereto (see page 14). Yanof et al. also discloses displaying an image

including 4 additional view ports which “keep” depth values or k values consistent by showing distortions in 3D object faces (see column 4, lines 19-45 and Figure 2).

In reference to claim 26, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 25 above in addition, Yanof et al. discloses generating image volume data in the form of voxels (see column 3, lines 62-67).

In reference to claim 27, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 25 above in addition, Yanof et al. discloses an editing means enabling an operator to make an effective removal of unwanted voxels from the display region (see column 5, lines 17-30). Note, the Office interprets Yanof et al. to inherently disclose editing these voxels based upon an activation of a user signal as Yanof et al. further discloses using a cursor control means to move a cursor on the display (see column 2, lines 54-55).

In reference to claim 28, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 27 above. Note, the Office interprets Yanof et al. to inherently disclose editing these voxels based upon an activation of a user signal as Yanof et al. further discloses using a cursor control means to move a cursor on the display (see column 2, lines 54-55) and a cursor positioning means such as a mouse or trackball (see column 8, lines 35-38) which comprise of buttons to click and release.

In reference to claim 41, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 23 above. As seen in the Figures of page 12 of Staiger, it is interpreted by the Office that the GUI element used to rotate, scale and translate mapped texture inherently comprises of an x, y and z axis since the element is drawn in a 3D space. Further the Office notes, that claim 41 does not explicitly disclose the graphical element as displaying an x,

y and z axis and solely recite, "...wherein the graphical user interface element comprises an X-axis, a Y-axis and a Z-axis," (see claim 41).

In reference to claim 45, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 23 above. Staiger et al. explicitly discloses applying 2D or 3D texture to the bottle and an extracted piece, from the bottle object (pgs. 49-52 and especially pg. 51, paragraphs 3-5 and Figure on pg. 52). Note, the Office interprets such an extracted piece from the bottle to be equivalent to an object which is non-planar, non-spherical and non-cylindrical.

In reference to claim 47, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 23 above. Staiger et al. also explicitly discloses setting perturbation amount to the texture mapped area (see pg. 51, 3rd paragraph) which the Office interprets as inherently equaling the texture not having to constrain to the boundary of the arbitrarily-shaped object of Applicant's claims.

7. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Staiger, Phillip. ("Tutorial – Amapi 4.1.5 Material Editor" Revised January 1, 2001. © 2000-2001 TGS, Inc. <http://www.tgs.com>. Accessed on 09/08/2006 via <http://www.thebest3d.com/amapi/tutorials/materialeditor/>), Staiger et al. ("Tutorial – Getting started with Amapi 4.1" Revised July 9, 2003. © 2000 TGS, Inc. <http://www.tgs.com>. Accessed on 04/17/2007 via <http://www.thebest3d.com/amapi/tutorials/bottlesmile/index.html>), Yanof et al. (U.S. Patent 5,371,778) and further in view of Brown (U.S. Patent 5,461,709).

In reference to claim 29, Staiger, Staiger et al. and Yanof et al. disclose all of the claim limitations as applied to claim 23 above. Neither Staiger, Staiger et al. nor Yanof et al. explicitly

disclose arming or disarming a haptic constraint however Brown does. Brown discloses a system for supplying input data establishing the location of data points in a model space for a 3D CAD design application (see column 1, lines 5-7 and column 2, lines 5-8). Brown discloses the ability to move the cursor close to an indexed point whereby a “sweet spot” of a few pixels wide is established near this indexed point and if the cursor is moved within this, “sweet spot” the cursor is locked into precisely a horizontal or vertical position with the indexed point (see column 9, lines 40-46). Note, the Office interprets the “sweet spot” of Brown equivalent to the “gravity well” of Applicant’s claim. Brown further discloses the user to place a data point at the current position within the “sweet spot” and lock the point thereby allowing the user to snap to another item while allowing the above constraint, keeping the locked point aligned, to apply (see column 9, lines 59-65). Brown discloses locking and unlocking the point using a lock button (see column 9, line 65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the data point location techniques of Brown with the transformation techniques of Yanof et al. the arbitrarily-shaped texture mapping techniques of Staiger et al. and material editing techniques of Staiger in order to provide an easier and more user-friendly interface, employing a sophisticated drawing aid based on the interpretation of the user controlled cursor supplying extensive feedback control to the user (see column 3, lines 22-34 of Brown).

Response to Arguments

8. Applicant's arguments filed 07/11/08 have been fully considered but they are not persuasive.

In view of Applicant's arguments directed towards the 35 USC 101 rejection of claims 1-22 and 34-40, Applicant argues that a user interface "rendered in three-dimensional object space" is clearly not software per se and the user interface elements itself is a device within the meaning of 35 USC 101 (see page 12 of Applicant's Remarks).

The Office disagrees with the statement that the user interface element, itself, is a device. The user interface element is actually a set of code/instructions/software as within the meaning of 35 USC 101. Therefore since such user interface element is not tied to any other particular statutory class (i.e. being rendered on a display device, stored in a statutory computer readable medium etc.), the code/instructions/code making up the element, and thus the user interface element, are simply abstract ideas by themselves. Thus, the 35 USC 101 rejection of these claims is maintained.

In view of Applicant's arguments, with reference to claims 1-42 and 45-48, Applicant argues that the Staiger references do not teach adjusting texture within an arbitrary user-defined shape, including those shapes described in the specification (see page 13 of Applicant's Remarks). Further, Applicant argues that the Staiger references allow the user to only modify a texture within a region identified by predefined hotspots that are associated with only a limited set of mappings such as spherical and cylindrical (see page 13 of Applicant's Remarks).

In response, the Office disagrees and points to the above cited passages of Staiger et al. Staiger et al. discloses a tutorial for drawing a bottle using Amapr 4.1 (see pgs 10-24 and bottle in Figure of pg. 24). Staiger et al. explicitly discloses applying 2D or 3D texture to the bottle and an extracted piece, from the bottle object (pgs. 49-52 and especially pg. 51, paragraphs 3-5 and Figure on pg. 52). The Office has interpreted the extracted piece of the bottle (see Figure of pg.

52) equivalent to Applicant's arbitrarily-shaped user-defined region of a surface of the claims since the above mentioned shape of Staiger et al. is arbitrarily-shaped, as described in Applicant's arguments of 12/06/06, and since a user can draw/design a multitude of different shapes in Amapi 4.1 as disclosed by Staiger et al. with the extracted object of the bottle in the Figure on pg. 52. Further, page 52 of Staiger et al. explicitly details that the extracted piece, or arbitrarily-shaped user-defined region of the bottle, is 3D textured with a noise map thereby teaching the limitation of allowing for the adjust of texture in an arbitrarily-shaped user-defined region.

Lastly, the Applicant seems to imply that the cited references do not disclose such an arbitrarily-shaped user-defined region since they don't disclose what is recited in the specification in reference to the arbitrarily-shaped user-defined region. In response the Office states, although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Nonetheless, the extracted piece from Staiger et al. can be and has been interpreted as the arbitrarily-shaped user-defined region of Applicant's claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Antonio Caschera whose telephone number is (571) 272-7781. The examiner can normally be reached Monday-Thursday and alternate Fridays between 7:00 AM and 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung, can be reached at (571) 272-7794.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

571-273-8300 (Central Fax)

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (571) 272-2600.

/Antonio A Caschera/

Primary Examiner, Art Unit 2628

Temporary Full Signatory Authority

10/23/08